



City Council Actions

In City Council

Thursday, September 9, 2021

Present: Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Norton, Oliver, Ryan, Wright & Albright.

The City Council discussed the following items on Second Call:

- #103-21** **Petition to allow for-profit education use at 1087 Beacon Street (Unit #304)**
GILLI LAVRISHINA/SHARON DRIVING SCHOOL/1087 BEACON REALTY TRUST II petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit school in a 738 sq. ft. space within the existing building at 1087 Beacon Street, Ward 6, Newton Centre, on land known as Section 64 Block 5 Lot 1L, containing approximately 16,925 sq. ft. in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved Subject to Second Call 6-0 (Councilor Bowman not Voting); Public Hearing Closed 08/24/2021
Approved 23 Yeas, 1 Absent (Councilor Gentile)

Clerk's Note: The Land Use Committee Approved the petition Subject to Second call, pending submission of a drop-off/pick-up plan showing circulation in the parking lot. The petitioner submitted a circulation plan that satisfied the Planning Department's concerns which was incorporated in the Council Order. The Committee expressed no concerns relative to the request.

- #137-21** **Public Meeting with City Clerk/Clerk for the Council candidates**
CITY CLERK PRELIMINARY SCREENING COMMITTEE submitting recommended candidates for the City Clerk/Clerk of the Council position for review by the Programs & Services Committee and recommendation to the City Council.
Programs & Services voted to recommend Carol Moore as the City Clerk/Clerk of the Council 6-2 (Councilors Greenberg and Ryan opposed)
Approved 20 Yeas, 3 Nays (Councilors Leary, Greenberg and Oliver)

Clerk's Note: Councilor Krintzman explained that at the August 25, 2021 Programs & Services Committee recommended approval of the appointment of Carol Moore for the City Clerk/Clerk for the Council. He noted that the recommendation was made after a review of three candidates

recommended by the Preliminary Search Committee. Councilor Lucas requested that item #137-21 be placed on second call because he was concerned that the Committee dismissed one of the candidates for use of the phrase “you guys” during the interview. Councilors explained that while the phrase was unexpected and not representative of the level of decorum expected for a City Clerk/Clerk for the Council candidate, other, more prominent factors (i.e. qualifications, presentation and experience) ultimately eliminated the candidate for the position. Councilors noted that there were two candidates with stronger and more relevant experience. With that the Council voted 20-3 in favor of approval of Ms. Moore’s appointment to the City Clerk/Clerk for the Council position.

The City Council voted without discussion 23 Yeas, 1 Absent (Councilor Gentile) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

Tuesday, August 10, 2021

- #262-21** **Petition to allow ground floor residential use at 1295 Boylston Street**
GUY COMPAGNONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a ground floor single residential use in the existing dwelling at 1295 Boylston, Ward 5, Newton Upper Falls, on land known as Section 55 Block 54 Lot 15, containing approximately 2,452 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 08/10/2021
- #291-21** **Request for Extension of Time to Exercise Special Permit #319-19**
DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #319-19 to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.
Land Use Approved 7-0
- #261-21** **Petition to increase nonconforming FAR at 44 Putnam Street**
JASON RHODES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached structure with a first-story garage and living space above, to allow dormers exceeding 50% of the length of the exterior wall of the story below and to increase the nonconforming FAR at 44 Putnam, Ward 3, West Newton, on land known as Section 32 Block 07 Lot 16, containing approximately 18,193 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 08/10/2021

#122-21 Amended Petition to extend nonconforming two-family use at 9-11 Noble Street
JOHN CARUSO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers in the attic level, extending the nonconforming two-family use and extending the nonconforming FAR at 9-11 Noble Street, Ward 3, West Newton, on land known as Section 44 Block 4 Lot 19, containing approximately 6,258 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 08/10/2021

#59-21 Petition to allow single-family attached dwellings at 1092-1094 Chestnut Street
RICHARD SEWELL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units in two structure, and to reduce side and rear setback requirements at 1092-1094 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 04, containing approximately 20,291 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 6-0-1 (Councilor Lucas abstaining); Public Hearing Closed 08/10/2021

Referred to Land Use Committee

Tuesday, August 24, 2021

#263-21 Petition to extend FAR and three-story structure at 15 Beaumont Avenue
JACQUES AND NICOLE GOUPIL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story rear addition, extending the nonconforming FAR and nonconforming three-story structure at 15 Beaumont Avenue, Ward 2, Newtonville, on land known as Section 24 Block 28 Lot 02, containing approximately 10,685 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 6-0 Councilor Bowman not Voting; Public Hearing Closed 09/24/2021

#327-21 Petition to amend Special Permit for Turtle Lane at 283 Melrose Street
TURTLE LANE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Conditions #1 and #27 of Special Permit #480-14(4) to allow for reductions in the minimum stall dimensions, maneuvering aisle width, to allow restricted end parking stalls on the garage plan previously approved and to allow changes to the unit sizes as needed at 283 Melrose Street, Ward 4, Auburndale, on land known as Section 41 Block 14 Lot 10, containing approximately 43,773 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.B.6, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 6-0 (Councilor Bowman not Voting); Public Hearing Closed 08/24/2021

Zoning & Planning Split Item #240-21 into (1) to clarify definitions, edit missing or incorrectly transcribed provisions and revise inconsistencies in the ordinance; and (2) to amend the definition in Section 1.5.1.B Two Family Detached; Public Hearing Closed 6-0 (Councilor Leary not voting)

Zoning & Planning Approved (1) 6-0 (Councilor Leary not voting)

Zoning & Planning Held (2) 6-0 (Councilor Leary not voting)

Referred to Programs & Services Committees and Zoning & Planning Committees

#77-21

Request for review of Lab, Research and Development permitting process

COUNCILORS MARKIEWICZ, KRINTZMAN, CROSSLEY, LAREDO AND LIPOF requesting a discussion with Planning and Health and Human Services Departments in order to understand the process and controls under Chapter 30 and Chapter 12 of the City of Newton Ordinances, for obtaining Lab, Research and Development facility permits. (Ordinance 30 and Ordinance 12)

Zoning & Planning Voted NAN 6-0 (Councilor Leary not voting)

Referred to Programs & Services Committee

August 25, 2021

Present: Councilors Krintzman (Chair), Noel, Albright, Ryan, Humphrey, Wright, Greenberg, and Baker; also present: Councilors Oliver, Downs, Malakie, Markiewicz, Kalis, Norton, Gentile, Leary Crossley, and Lucas

#312-21

Appointment of Rakashi Chand to the Human Rights Commission

HER HONOR THE MAYOR appointing RAKASHI CHAND, 80 Wade Street, Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire on September 30, 2024 (60 Days: 10/08/21).

Programs & Services Approved 7-0 (Councilor Greenberg not voting)

#137-21

Public Meeting with City Clerk/Clerk for the Council candidates

CITY CLERK PRELIMINARY SCREENING COMMITTEE submitting recommended candidates for the City Clerk/Clerk of the Council position for review by the Programs & Services Committee and recommendation to the City Council.

Programs & Services voted to recommend Carol Moore as the City Clerk/Clerk of the Council 6-2 (Councilors Greenberg and Ryan opposed)

#313-21

Reappointment of Barbara Lischinsky to the Commission on Disability

HER HONOR THE MAYOR reappointing BARBARA LISCHINSKY, 1942 Washington Street, #424, Newton, as a member of the COMMISSION ON DISABILITY for a term to expire on July 31, 2024 (60 Days: 10/08/21).

Programs & Services Approved 8-0

- #314-21 Reappointment of Lakshmi Kadambi to the Commission on Disability**
HER HONOR THE MAYOR reappointing LAKSHMI KADAMBI, 55 Staniford Street, Newton, as a member of the COMMISSION ON DISABILTY for a term to expire on September 30, 2024 (60 Days: 10/08/21).
Programs & Services Approved 8-0

Motions to Suspend the Rules to allow the following two items to be Accepted to the Docket and Referred to Committee were Approved by Voice Vote:

Referred to Programs & Services and Finance Committees

- #348-21 Request to set salary for City Clerk/Clerk of the City Council**
COUNCILORS ALBRIGHT, LIPOF AND KRINTZMAN requesting an amendment to Section 4-21(b) of the City of Newton Ordinances to set the salary for the City Clerk/Clerk of the Council.

Referred to Public Facilities and Finance Committees

- #349-21 Transfer \$181,550 to a Cheesecake Brook Bridge Repair Account**
HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred eighty-one thousand five hundred and fifty dollars (\$181,550) from Acct #62A10498-579000 Stormwater Current Year Reserve to a Cheesecake Brook Bridge Repair Account.

Public Hearings were assigned for the following Items:

Public Hearing Assigned for September 28, 2021

- #332-21 Petition to exceed FAR and allow garage greater than 700 sq. ft. at 50 Wachusett Road**
STEVEN SEGAL AND ELLEN BINSTOCK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new garage, greater than 700 sq. ft., to accommodate more than three vehicles, and to exceed FAR at 50 Wachusett Road, Ward 7, Chestnut Hill, on land known as Section 61 Block 18 Lot 03, containing approximately 22,412 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1, 3.4.4.H, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for September 28, 2021

- #333-21 Petition to allow four single-family attached dwelling at 34 Prescott Street**
WHITEACRE PROPERTIES, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing single-family dwelling unit and carriage house into two, two-unit single-family attached dwelling units, to reduce require side and rear setbacks, to allow a driveway within 10' of the side lot line and parking within 20' of a boundary, to waive two parking stalls and to allow reduced parking stall width and depth at 34 Prescott

Street, Ward 2, Newtonville, on land known as Section 23 Block 12 Lot 04, containing approximately 19,432 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.4, 5.1.13, 5.1.7.B.1, 5.1.7.B.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 5, 2021

#331-21 **Petition to extend nonconforming FAR and lot coverage at 100 Exeter Street**
DENNIS LINN/NEW ENGLAND SUNROOMS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition, increasing the nonconforming FAR and lot coverage and further reducing the nonconforming open space at 100 Exeter Street, Ward 3, West Newton, on land known as Section 32 Block 28 Lot 01, containing approximately 15,740 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 5, 2021

#33-21(3) **Petition to amend Order #33-21 to allow Lab and Research facility at 275 Grove Street**
ALEXANDRIA REAL ESTATE EQUITIES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a lab and research facility use and to allow height up to 96' and 8 stories at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A, 4.1.3, 4.1.2.B.3 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 12, 2021

#334-21 **Petition to exceed FAR and allow oversized dormer at 52 Ashton Avenue**
CHURCHILL GEORGE YONG AND JOIA RAMCHANDANI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the allowable FAR by constructing a new, one-story single-car garage with a dormer in excess of 50% of the exterior wall below at 52 Ashton Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 24 Lot 07, containing approximately 8,768 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 12, 2021

#335-21 **Petition to allow three single-family attached dwelling at 10-12 Mechanic Street**
CATHERINE AND PHILIP WESALOWSKI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two lots and replace an existing three-unit multi-family dwelling with three single-family attached dwelling units, to reduce the required lot area, to reduce lot area per unit, to increase allowed lot coverage, to reduce side setbacks, to allow a three-story structure, to allow a driveway within 10' of the side lot line, to allow parking within 20' of the side and rear lot lines, to allow for reduced driveway width and to allow retaining walls of four feet or more in height within a setback at 10-12 Mechanic Street, Ward 5, Upper Falls, on land known as Section 51 Block 31 Lots 04 and 05, containing approximately 9,964 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3,

7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.7.C, 5.1.13, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 26, 2021

#219-21 Petition to allow retail drive-in business at 940 Boylston Street

MILDRED McMULLIN, TRUSTEE of MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure the existing building and parking area to allow a drive-in establishment, to waive perimeter screening requirements and to waive outdoor lighting requirements and to allow a free-standing sign at 940 Boylston Street, Ward 5, on land known as Section 51 Block 26 Lot 03, containing approximately 14,608 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.4.11, 5.1.9.A, 5.1.13, 5.10.A, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 26, 2021

#336-21 Petition to exceed FAR, allow detached accessory apartment at 12 Kingsbury Road

DAVID AND LAUREN THILL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage in excess of 700 sq. ft. to be used as an accessory apartment and to construct an addition to the principal dwelling, to further extend a three-story structure to 3.5 stories and to exceed FAR at 12 Kingsbury Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 26 Lot 07, containing approximately 21,731 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.1, 3.4.4.E.1, 3.1.3, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 26, 2021

#337-21 Petition to amend Special Permit #140-10 for 187 North Street

MICHAEL PENTA AND SUSAN SGARZI PENTA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #140-10 to amend the site plan to allow for the installation of a tent/awning at 187 North Street, Ward 3, Newtonville, on land known as Section 21 Block 12 Lot 10, containing approximately 24,108 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.